

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

DAN DIAMANT
Plaintiff

v.

C.A. No. 17-548-JJM-PAS

UTGR, Inc. dba Twin River Casino and
John Does, various security personnel
employed by Twin River Casino; as well as
police officers employed by the Town of
Lincoln, Rhode Island; and Detective Trooper
Lawens Fevrier, Rhode Island State Police,
Defendants

MOTION FOR RECONSIDERATION TEXT ORDER GRANTING
MOTION TO AMEND BEFORE OBJECTION FILED

NOW COME Defendants, Town of Lincoln, Joseph Anterni and Russell Enos and hereby move for Reconsideration of the Text Order granting Plaintiff's Motion to Amend its Complaint to add two (2) Defendants outside the statute of limitations. *ECF Notice, Text Order (Sept. 5, 2019)*. In support thereof, Defendants represent that this Court granted Plaintiff's Motion by Text Order before Defendants had an opportunity to Object or respond. Defendants, however, have a substantive objection to Plaintiff's Motion to Amend including failure to demonstrate compliance with the relation back standard of Rule 15(c)(1)(C) by failing to demonstrate a "mistake" and failing to demonstrate notice within the ninety (90) day timeframe of Rule 4(m). For the reasons contained in the Memorandum attached and incorporated herein, Defendants respectfully submit that Plaintiff's Motion to Amend to add Defendants outside the running of the statute of limitations should have been denied.

WHEREFORE, Defendants respectfully request that this Court reconsider its Text Order, consider the objection and arguments presented in the attached Memorandum of Law and deny Plaintiff's Motion to Amend the Complaint.

Defendants,
By their attorney,

/s/ Marc DeSisto, Esq.

Marc DeSisto, Esq. (#2757)
DESISTO LAW LLC
60 Ship Street
Providence, RI 02903
(401) 272-4442
Fax: (401) 533-9848

CERTIFICATION OF SERVICE

I hereby certify that the within document has been electronically filed with the Court on this 12th day of September, 2019, and is available for viewing and downloading from the ECF system. Service on the counsel of record, as listed below, will be effectuated by electronic means:

Thomas G. Briody, Esq.
tbriodylaw@aol.com

Paul R. Crowell
paul.crowell@zurichna.com

Justin J. Sullivan
jjullivan@riag.ri.gov

Kate C. Brody
kbrody@riag.ri.gov

Brenda Baum
bbaum@riag.ri.gov

/s/ Marc DeSisto, Esq.